

United States District Court
for
Middle District of Tennessee
Petition to Modify the Condition or Term of Supervision
(Probation Form 49 Waiver of Hearing on the Modification is attached)

Name of Offender: Michael Newton Case Number: 1:09-00005
Name of Judicial Officer: Honorable William J. Haynes, Jr., Chief U. S. District Judge
Date of Original Sentence: November 2, 2009
Original Offense: 21 U.S.C. § 846 Conspiracy to Distribute and to Possess with Intent to Distribute Hydrocodone
Original Sentence: 43 months' custody and 3 years supervised release
Type of Supervision: Supervised Release Date Supervision Commenced: June 7, 2012
Assistant U.S. Attorney: Blanche B. Cook Defense Attorney: George Travis Hawkins

PETITIONING THE COURT

- To modify the release conditions as follows:

The Defendant shall participate in a program of drug testing and substance abuse treatment which may include a 30-day inpatient treatment program followed by up to 90 days in a residential reentry center at the direction of the probation officer. The Defendant shall pay all or part of the cost for substance abuse treatment if the probation officer determines the Defendant has the financial ability to do so or has appropriate insurance coverage to pay for such treatment.

THE COURT ORDERS:

- ☒ **A hearing to consider the modification is scheduled for:** January 25, 2013 at 4:00pm
☐ No Action
☐ The extension of supervision as noted above.
☐ The modification(s) as noted above.
☐ Other

I declare under penalty of perjury that the foregoing is true and correct. Respectfully submitted,

Considered this 7th day of January, 2013 and made a part of the records in the above case.

Joshua Smith
Joshua Smith
U.S. Probation Officer

Place Nashville, Tennessee

William J. Haynes, Jr.
William J. Haynes, Jr.
Chief U. S. District Judge

Date January 4, 2013

ALLEGED VIOLATIONS

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation No. Nature of Noncompliance

1. The defendant shall refrain from any unlawful use of a controlled substance.

On December 18, 2012, Mr. Newton admitted to using marijuana around Thanksgiving. He also admitted to taking an old Valium that had been prescribed to him previous to his incarceration. His urine sample was very diluted and he admitted that he had attempted to drink lots of water in order to avoid the detection of his drug use..

2. The defendant shall submit to drug testing at the request of the probation officer.

Mr. Newton failed to report for drug testing on December 17, 2012. He admitted on December 18, 2012, that he missed the testing as he was afraid that he would submit a positive drug test.

Compliance with Supervision Conditions and Prior Interventions:

During his period of custody in the Bureau of Prisons, Mr. Newton completed the 500 hour Residential Drug Abuse Program. Mr. Newton began supervised release on June 7, 2012 and is scheduled to terminate supervision on June 6, 2015. He indicated that prior to his arrest, he abused alcohol, marijuana, cocaine and prescription medication. He consumed marijuana approximately 1 to 2 times per month. He indicated that he consumed a couple of grams of cocaine 2 to 3 times per week prior to arrest. He stated that his drug of choice has been prescription medication such as Lortab and Percocet. Mr. Newton successfully completed his three month period at a halfway house on September 4, 2012.

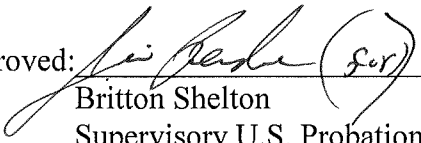
Mr. Newton has remained employed at Industrial Floor Service since the beginning of supervision. His dedication and skill at work are highly regarded by his employer.

As a result of Mr. Newton's recent drug use, his drug testing will be increased to monitor further drug use. The proposed modification would allow for Mr. Newton to benefit from further substance abuse treatment though denies need for further drug treatment and stated that he learned very little from the Residential Drug Abuse Program.

U.S. Probation Officer Recommendation:

It is recommended that the offender's release conditions be modified as indicated.

The U. S. Attorney's Office has been advised of the offender's noncompliance and the probation officer's request for the proposed modification.

Approved:  (ser)
Britton Shelton
Supervisory U.S. Probation Officer

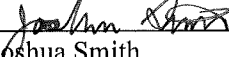
Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision


UNITED STATES DISTRICT COURT
for the
MIDDLE DISTRICT OF TENNESSEE

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By 'assistance of counsel', I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the Court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

The Defendant shall participate in a program of drug testing and substance abuse treatment which may include a 30-day inpatient treatment program followed by up to 90 days in a residential reentry center at the direction of the probation officer. The Defendant shall pay all or part of the cost for substance abuse treatment if the probation officer determines the Defendant has the financial ability to do so or has appropriate insurance coverage to pay for such treatment.

Witness: 
Joshua Smith
U. S. Probation Officer

Signed: 
Michael Newton
Probationer or Supervised Releasee

December 27, 2012
Date